

No. 82474-6

STEPHENS, J. (concurring)—I concur in the result reached by the lead opinion and would affirm the Court of Appeals. I would do so, however, for the reasons articulated by that court. It observed that the unexplained, undefined requirement in *Ueland v. Pengo Hydra-Pull Corp.*, 103 Wn.2d 131, 691 P.2d 190 (1984), that children’s claims for loss of parental consortium be joined with the parents’ claims reflected a policy choice, not a rigid “joinder” requirement. *Kelley v. Centennial Contractors Enters., Inc.*, 147 Wn. App. 290, 295, 194 P.3d 292 (2008), *review granted*, 165 Wn.2d 1048, 208 P.3d 555 (2009). The lead opinion appropriately recognizes that *Ueland* sets a fairly low threshold, but I agree with the Court of Appeals that the Blackshear children met this threshold based not only on the factual infeasibility of joining their claims with their parents’ claims, but also legal infeasibility, where the Blackshear children were not represented by a guardian ad litem.

AUTHOR:

Justice Debra L. Stephens

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WE CONCUR:

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Justice Richard B. Sanders

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Justice Tom Chambers

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